

# **Finding of Suitability to Transfer**

## **Fort Devens Parcel A.17**

### **Fort Devens, Massachusetts**

**January 1998**

#### **1.0 Purpose and Finding**

- a. The purpose of this Finding of Suitability to Transfer (FOST) is to document a decision made pursuant to Department of Defense (DoD) guidance set forth in a Deputy Secretary of Defense memorandum entitled "Finding of Suitability to Transfer for BRAC Property," dated June 1, 1994, that property is suitable to transfer.
- b. Based on results detailed in the Basewide Environmental Baseline Survey (EBS), the No Further Action Under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Decision Document for Area Requiring Environmental Evaluation (AREE) 66F, and the No Further Action Decision Document for Area Requiring Environmental Evaluation (AREE) 69AF, I have determined that the proposed parcel, Parcel A.17 which includes AREE 66F and AREE 69AF, is suitable for transfer to the Massdevelopment Agency (formerly known as the Massachusetts Government Land Bank) for use in accordance with the Fort Devens Basewide Reuse Plan (Plan). A legal property description and site plan of Parcel A.17 is included in Attachment A. The Massdevelopment Agency will be responsible for transferring the proposed transfer property to interested third parties to be used for purposes described in the Plan.
- c. Future use of the proposed transfer parcel, as identified in the Plan, is for *Business and Community Services*. This area is designed to provide support services for users in abutting Innovation and Technology and Rail Industrial Use Zones. This parcel will also become a section of a major roadway providing a north-south link through the Devens property. This use was analyzed in the Fort Devens Disposal/Reuse Environmental Impact Statement dated May, 1995 and the Record of Decision Document dated August, 1995.

#### **2.0 Property Description**

Parcel A.17 is located in the central portion of the Main Post. The parcel consists of 4.9 acres and contains Buildings 2024, 2025, and 2026. Buildings 2025 and 2026 are

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residential cottages and 2024 is an accompanying garage. North of the parcel is the Elm/Walnut Street housing area, south of the parcel is the Devens Reserve Forces Training Area (DRFTA), east of the parcel is a retail/business area, and west of the parcel is open space and housing areas. Parcel A.17 is illustrated in Figure 1.

### 3.0 Environmental Condition of Property

An analysis of the environmental condition of the property proposed for transfer has been made by the U.S. Army Environmental Center in the form of a Basewide EBS. The EBS was conducted in accordance with the requirements of the DoD FOST guidance for conducting an EBS. Parcel A.17 includes AREE 66F and AREE 69AF. AREE 66F was a pole mounted transformer located next to Building 2025 that contained electrolyte oil containing polychlorinated biphenyl (PCB) oil. AREE 69AF was a suspected waste oil spill at a storm water outfall pipe located approximately 300 feet from the intersection of Pine Street and Roosevelt Circle. The parcel was identified as leasable in the Basewide EBS due to a removal site evaluation at 66F and a CERCLA removal action at 69AF. A No Further Action (NFA) Decision Document was signed for AREE 66F on June 6, 1996 and for AREE 69AF on June 5, 1997.

According to the *No Further Action Decision Under CERCLA AREE 66F-Building 2025 Transformer #6287290 Report* prepared by the US Army, a pole mounted transformer identified as AREE 66F, fell down during a 1991 storm which resulted in PCB contaminated oil spilling onto surrounding soil. Soil samples detected levels of Aroclor 1260 at concentrations ranging from 14 to 69 mg/kg. Remediation of the soil was conducted as an Immediate Removal Action in accordance with the Massachusetts Contingency Plan (MCP) and the site was backfilled and re-seeded. A Response Action Outcome Statement was issued for AREE 66F on February 7, 1994.

Samples collected at AREE 69AF, a waste oil spill of an unknown amount, detected elevated levels of total petroleum hydrocarbon contamination (TPHC) and carcinogenic polynuclear aromatic hydrocarbons (cPAHs) above MCP regulatory guidelines. A time-critical removal action occurred at the site, removing approximately 150 cubic yards of contaminated soil. According to the *Final No Further Action Under CERCLA Decision Document* issued in June 1997, residual elevated levels of TPHC and cPAHs exist on-site and are attributed to the presence of residual coal and coal slag material, which are exempt under the MCP and CERCLA. Table 1 identifies the type and quantity of hazardous substances stored, released and/or disposed of on the parcel and the site status of AREE 66F and AREE 69AF.

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Although hazardous substances may remain on the proposed transferable parcel, all remedial action necessary to protect human health and the environment has been taken with respect to these substances. The Army will place the covenants required under CERCLA 120(h)(3) in the deed to the property proposed for transfer, warranting that all response action necessary to protect human health and the environment with respect to any such substances remaining on the property has been taken and any additional response action found necessary after the date of such transfer shall be conducted by the Army. The Army will also retain an easement in the property as required by CERCLA 120(h)(3), granting the United States access to the transferred property in any case in which response action or corrective action is found to be necessary after the date of such transfer.

Adjacent properties were found not to pose unacceptable risks to human health and the environment, as documented in the Basewide EBS, and have already been transferred to the Massdevelopment Agency. As a result, those adjacent properties should not impact this transfer parcel.

### 3.1 Regulatory Comment

Regulatory agencies were notified at the initiation of the Basewide EBS, FOST, and Finding of Suitability to Lease. Regulatory comments received during the development of these documents were reviewed and incorporated as appropriate. All comments have been resolved.

### 3.2 Transfer Provisions

- a. Hazardous substances or petroleum product notices, as provided in Section 3.0, will be given in the deed provisions (Attachment B).
- b. Conditions will be included in the deed transfer, as required by Section IV of the DoD FOST policy, as follows:
  1. The deed shall provide continued access for DoD and regulatory agencies to perform investigations as required on or adjacent to, the real property, to monitor the effectiveness of the clean-up as required, to perform five year reviews as required, and/or to take additional remedial or removal actions as required. At a minimum, access rights shall include all rights to exercise all responsibilities existing under the Federal Facilities Agreement (FFA).

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## Fort Devens Parcel A.17

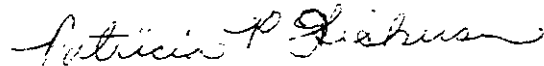
2. The deed shall prohibit activities that could disrupt any remediation activities or jeopardize the protectiveness of those remedies such as the following: surface application of water that could impact the migration of contaminated ground water; subsurface frilling or use of ground water unless DoD determines that there will be no adverse impacts on the cleanup process; or, construction that would interfere with, negatively impact, or restrict access for cleanup work.

c. A notice will be given in the deed provisions for the potential presence of asbestos, lead-based paint, and radon within the proposed transfer parcel.

d. When the property is transferred, it will be transferred in accordance with Section 37 of the Fort Devens FFA as amended.

### 4.0 Conclusion

Based on the above, the proposed property on the Main Post at Fort Devens is suitable to transfer for the intended use because the requirements of CERCLA 120(h)(3) and the DoD FOST policy have been met.



PATRICIA P. HICKERSON  
Major General, United States Army  
Deputy Chief of Staff for Personnel  
and Installation Management

03 FEB 1998

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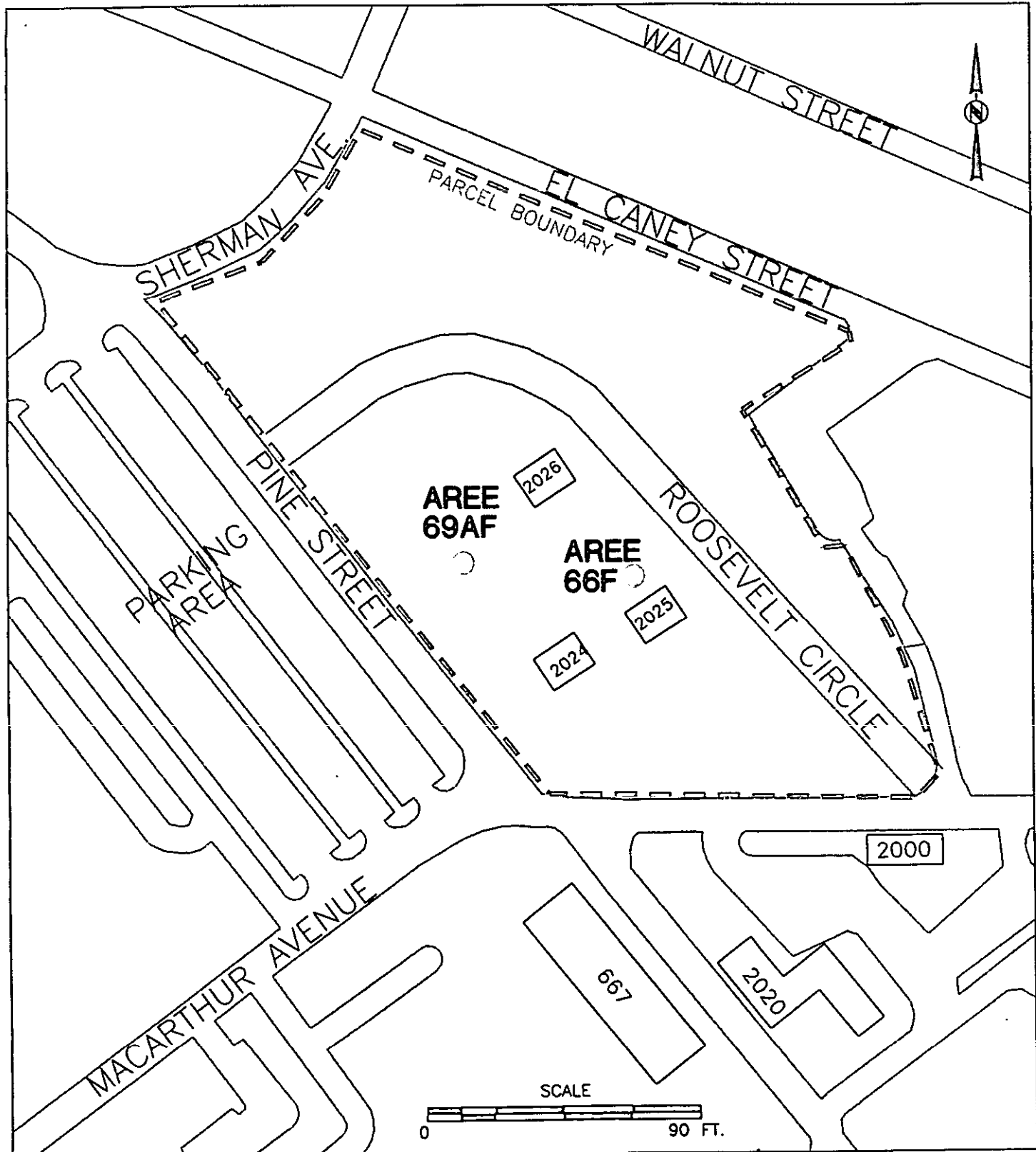
## Fort Devens Parcel A.17

Table 1

Site No./ Building No.	Hazardous Substances/ Environmental Concern	Disposal, Storage, Release	Quantity Released/ Removed or Concentration Detected	Dates	CASRN NO.	RCRA Waste No.	Regulatory Synonym	Site Status
AREE 66F	PCB Aroclor 1260	Release	9 cubic yards PCB contaminated soil removed	Pole mounted transformer fell down in 1991, sampling of area occurred in 1993, contaminated soil removed 10/93	11096825	N/A	PCBs	NFA DD 6/96
AREE 69AF	1. TPHC 2. cPAH 3. Waste Oil 4. Lead 5. Beryllium 6. Arsenic	Release	1. 1058 ppm, 150 cubic yards of TPHC and cPAH contaminated soil removed. 3. Unknown 4. 640 ppm 5. 41 ppm 6. 33 ppm	Date of spill 9/85, contaminated soil removed in 6/96	1. N/A 2. N/A 3. N/A 4. 7439921 5. 7440417 6. 7440382	1. N/A 2. N/A 3. N/A 4. N/A 5. P015 6. N/A	1. N/A 2. N/A 3. N/A 4. N/A 5. N/A 6. N/A	NFA DD 6/97

Notes: CASRN = Chemical Abstracts Registration Number  
DD = Decision Document  
N/A = Not Applicable  
NFA = No Further Action  
cPAH = carcinogenic Polynuclear Aromatic  
Hydrocarbons

PCB = Polychlorinated Biphenyl  
RCRA = Resource Conservation, and Recovery Act  
TPHC = Total Petroleum Hydrocarbon  
Contamination  
AREE = Area Requiring Environmental Evaluation  
ppm = Parts Per Million



<b>Arthur D Little</b>		TITLE	
APPROVALS		FIGURE 1 PARCEL A.17	
DATE			
DRAWN <i>MSJ</i>	10/97	PREPARED FOR	SCALE
CHECKED		USAEC	1 IN. = 45 FT.
QA/CONTROL		DATE	DWG. NO.
TECH REVIEW		OCT. 1997	67073-108
PROJ MGR		SOURCE	SHEET 1 OF 1
		ARTHUR D. LITTLE, INC.	

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## **Fort Devens Parcel A.17**

### **List of Attachments**

Attachment A: Legal Parcel Description and Plan of Transfer Parcel

Attachment B: Department of Defense Finding of Suitability to Transfer Generic Deed Provisions

## **Attachment A: Legal Parcel Description and Plan of Transfer Parcel**

### **Legal Property Description of Parcel A.17**

Located on the north sideline of MacArthur Avenue and the east sideline of Pine Street, beginning at a point with NAD coordinates ( $\pm 50'$ ) N3022170, E625000.

- Thence along the sideline of Pine Street N37 24'W, two hundred and thirteen feet  $\pm$ , (213'  $\pm$ ) to a point;
- Thence still alone Pine Street N28 11'W, three hundred and seventy three feet  $\pm$ , (373'  $\pm$ ) to a point on the sideline of Pine Street;
- Thence N55 38'E, two hundred and sixty two feet  $\pm$ , (262'  $\pm$ ) to a point;
- Thence N55 59'E, one hundred and fourteen feet  $\pm$ , (114'  $\pm$ ) to a point;
- Thence S27 43'E, seven hundred and sixty feet  $\pm$ , (766'  $\pm$ ) to a point on the sideline of MacArthur Avenue;
- Thence along the sideline of MacArthur Avenue N89 12'W, three hundred and eight feet  $\pm$ , (308'  $\pm$ ) to the point of beginning.

Said parcel contains 213,017 square feet  $\pm$ , or 4.9 acres  $\pm$ . Said parcel also contains Buildings 2024, 2025, and 2026.



CIVIL ENGINEERS  
&  
LAND SURVEYORS

1000 RIVER STREET  
BURLINGTON, MA 01803  
PHONE 338-1100

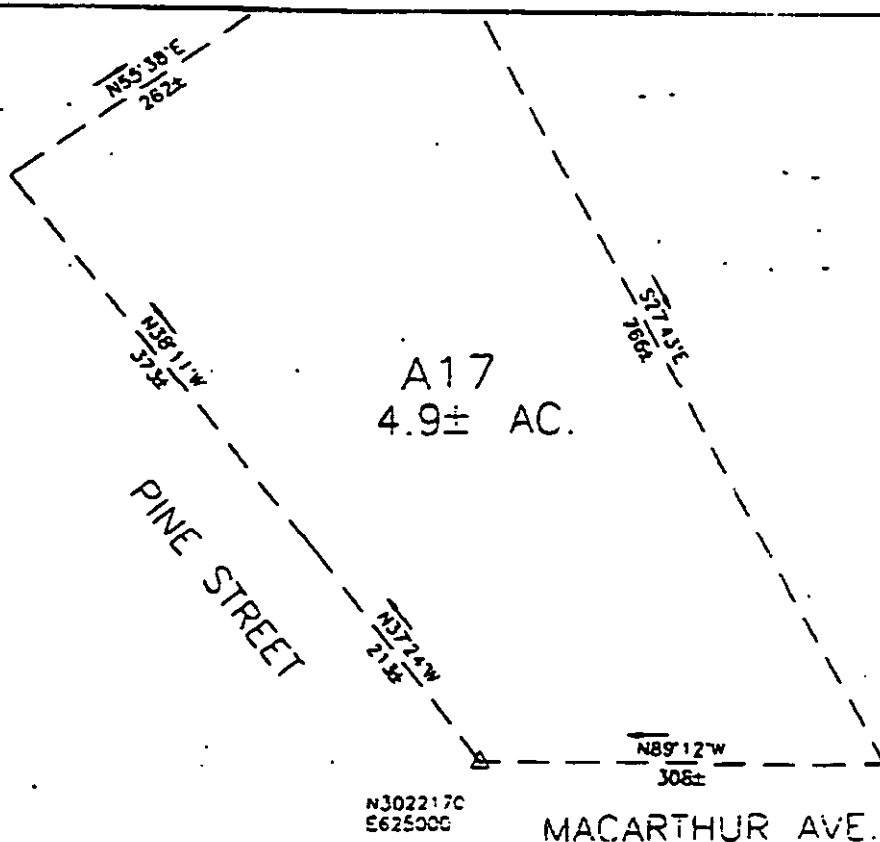
75 PERCIVAL STREET  
NEWTON, MA 01860  
(617) 552-1100

PREPARED FOR

THE GOVERNMENT LAND BANK

DATE 05-09-1996

SCALE



NOTES:

1. Δ = LEGAL DESCRIPTION POINT OF BEGINNING.



CIVIL ENGINEERS  
&  
LAND SURVEYORS

HOWE SURVEYING  
ASSOCIATES, INC.

1000 RIVER STREET  
BURLINGTON, MA 01803  
PHONE 338-1100

75 PERCIVAL STREET  
NEWTON, MA 01860  
(617) 552-1100

PLAN OF LEASED PARCEL A17.  
CONVEYED TO THE GOVERNMENT  
LAND BANK, HARVARD, MA

PREPARED FOR

THE GOVERNMENT LAND BANK

DATE 05-09-1996

SCALE 1"=150'

**Attachment B: Department of Defense Finding of Suitability to Transfer Generic Deed Provisions**

**Fort Devens  
Generic Deed Provisions**

By accepting this Deed, the Grantee acknowledges that the Grantor has provided the Grantee with a copy of the Federal Facilities Agreement (FFA) between the Grantor and the U.S. Environmental Protection Agency (EPA), dated May 11, 1991, and the modification thereto. The Grantor shall provide the Grantee with a copy of any future amendments to the FFA.

The United States and the Commonwealth of Massachusetts, and their agents, employees, and contractors, shall have access to and over the Property as may be necessary for any investigation, response, or corrective action found to be necessary after the date of this deed on the Property or on other property comprising the Fort Devens National Priorities List (NPL) site. This reservation includes the right of access to and use of, to the extent permitted by law, any available utilities at reasonable cost to the United States.

In exercising the rights there under, the United States and the Commonwealth shall give the Grantee or its successors or assigns reasonable notice of actions taken on the Property under the FFA and shall, to the extent reasonable, consistent with the FFA, and at no additional cost to the United States, endeavor to minimize the disruption to the Grantee's, its successors', or assigns' use of the Property.

The Grantee agrees that notwithstanding any other provision of the Deed, the United States assumes no liability to the Grantee, its successors, or assigns, or any other person should implementation of the FFA interfere with the use of the Property. The Grantee and its successors and assigns shall have no claim on account of any such interference against the United States or the Commonwealth or any officer, agent, employee, or contractor thereof.

Prior to the determination by the United States that all remedial action is complete for the Fort Devens NPL site, the Grantee shall not undertake activities on the Property in a way that adversely affect the completion of the Superfund cleanup at the Fort Devens site and shall give prior written notice to the Grantor, EPA, and the Commonwealth of any construction, alteration, or similar work on the Property that may adversely affect said cleanup.

For any portion of the Property subject to a response action, the Grantee shall notify the Grantor, EPA, and the Commonwealth by certified mail, at least sixty (60) days prior to any conveyance of an interest in said property, and of the provisions allowing for the continued operation of any monitoring wells, treatment facilities, or other response activities undertaken pursuant to the FFA.

Prior to the determination by the United States that all remedial action is complete for the Fort Devens NPL site, the Grantee and all subsequent transferees of an interest in any portion of the Property action will provide copies of the instrument evidencing such transaction to the Commonwealth, the EPA, and the Grantor, by certified mail, within fourteen (14) days after the effective date of such transaction.

The Grantee and all subsequent transferees shall include these provisions in all subsequent lease, transfer, or conveyance documents relating to the Property that are entered into prior to a determination by the United States that all remedial action is complete at the Fort Devens NPL site.